

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**CHAD HOGAN**

\*

**Plaintiff,**

\*

**v.**

**Case# 2:05CV687- MHT**

\*

**CITY OF MONTGOMERY,  
ANTHONY ARNAUD, et al.**

\*

**Defendants,**

**ANSWER**

COMES NOW the Defendant Anthony Arnaud, hereinafter “Defendant” and answers the Plaintiff’s complaint as follows:

1. Defendant is without sufficient knowledge or information to admit or deny any allegations and/or paragraphs in the Plaintiff’s complaint and therefore the same is denied and Defendant demands strict proof thereof as to all allegations, claims, and paragraphs of the Plaintiff’s complaint.

**AFFIRMATIVE DEFENSES**

1. The complaint and amended complaint fails to state a claim upon which relief can be granted.

2. Plaintiff is not entitled to damages from this Defendant pursuant to the facts alleged in the Plaintiff’s complaint.

3. Plaintiff’s claims are frivolous and should be dismissed. Further, Defendant denies that his conduct caused the Plaintiff’s alleged injuries and damages.

4. Plaintiff’s claims are barred for failure to assert them within the applicable statute

of limitations and/or statutory time limits.

5. Defendant pleads defense of lack of personal jurisdiction.

6. Defendant pleads defense of improper venue.

7. Defendant pleads insufficient process and service of process.

8. Defendant pleads lack of jurisdiction over the subject matter.

9. Plaintiff was guilty of contributory negligence, recklessness, false accusations, intentional and/or criminal acts which proximately caused and/or contributed to the alleged injuries or damages.

10. Plaintiff's claims are barred because authorities had reasonable suspicion and/or probable cause to arrest the Plaintiff and the Plaintiff's claims must be dismissed.

11. Any item and/or paragraph of the Plaintiff's complaint not specifically admitted or addressed in this Answer is denied and the Defendant demands strict proof thereof.

12. Defendant demands attorney fees and costs upon dismissal of these claims.

Defendant reserves the right to amend this answer until all discovery is completed in this case.

Respectfully submitted on this 12 day of September, 2005.

OF COUNSEL:

**McPHILLIPS, SHINBAUM, L.L.P.**

516 S. Perry Street

P.O. Box 64

Montgomery, AL 36101

(334) 262-1911

(334) 263-2321 fax

/s/ James G. Bodin

JAMES G. BODIN (BOD005)

Attorney for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing on the following counsel of record by delivery U.S. mail on this the 12th day of September, 2005.

Anderson Nelms, Esq.  
Law Office of Jay Lewis, LLC  
P. O. Box 5059  
Montgomery, Alabama 36103-5059

Kimberly O. Fehl, Esq.  
Montgomery City Attorney's Office  
P. O. Box 1111  
Montgomery, Alabama 36101-1111

Christopher Whitehead, Esq.  
Lewis Gillis, Esq.  
Thomas, Means, Gillis & Seay, P.C.  
P. O. Drawer 5058  
Montgomery, Alabama 36103-5058

/s/ James G. Bodin

OF COUNSEL